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FILED

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7 SANTOS SALAS and ANITA GUTIERREZ

NOV 15 2005
Attorneys for ENCORE CREDIT
CORP.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 SANTOS SALAS, an individual, and
12 ANITA GUTIERREZ, an individual,

13 Plaintiffs,

14 v.

15 HILLTOP FINANCIAL MORTGAGE,
INC., a California corporation, ENCORE
16 CREDIT CORPORATION, a California
corporation, and ABRAHAM KABA, an
individual,
17 Defendants.

CASE NO. C 04 1682 MHP

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
RESPOND TO THIRD AMENDED
COMPLAINT

19 Plaintiffs Santos Salas and Anita Gutierrez ("Plaintiffs") and Defendant Encore Credit
20 Corp. ("Encore") through their respective attorneys of record, hereby STIPULATE AND AGREE
21 as follows:

22 WHEREAS on April 1, 2005 the Court entered the Case Management and Pretrial Order
23 for Jury Trial ("CMC Order"), ordering all parties to schedule private mediation; and

24 WHEREAS on or about July 20, 2005, the parties participated in a mediation (the
25 "Mediation") through the Judicial Arbitration and Mediation Service ("JAMS") under the
26 direction of the Hon. Walter P. Capaccioli (Ret.), and as the result of negotiations at the
27 Mediation, the Plaintiffs and Encore agreed to full settlement (the "Settlement") of the Action
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STIPULATION TO EXTEND TIME FOR ENCORE TO RESPOND TO THIRD
AMENDED COMPLAINT

1 against Encore only, and to the release and discharge, as against Encore only, of any and all
2 claims and causes of action made in the Action and all causes of action arising out of the events
3 or incidents referred to in the pleadings in the Action; and

4 WHEREAS, the Settlement contemplated that certain actions be taken and certain events
5 occur before Encore is dismissed from the Action; and

6 WHEREAS, despite the diligence of Plaintiffs and Encore, some of the actions and events
7 contemplated by the Settlement have yet to occur, but are still expected to occur within the next
8 60 days; and

9 WHEREAS, Plaintiffs filed a Third Amended Complaint on or about October 11, 2005 in
10 which Encore was still named as a Defendant; and

11 WHEREAS, Plaintiffs and Encore expect all of the actions and events contemplated by
12 the Settlement will soon occur and a dismissal will be entered as to Encore, thereby rendering
13 Encore's further participation in the Action unnecessary;

14 THEREFORE, the Plaintiffs and Defendant Encore respectfully request that the Court
15 extend the time for Encore to respond to Plaintiffs' Third Amended Complaint until and including
16 December 12, 2005.

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18 **IT IS SO STIPULATED**

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20 Dated: October 31, 2005

DLA PIPER RUDNICK GRAY CARY US LLP

21
22 By _____
23 DAVID BANIE
24 Attorneys for Plaintiffs
25 SANTOS SALAS and ANITA GUTIERREZ
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27
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1 Dated: October 31, 2005

2 PFEIFER & REYNOLDS, LLP

3 By /S/ Michael R. Pfeifer

4 MICHAEL R. PFEIFER
5 Attorneys for Defendant
6 ENCORE CREDIT CORPORATION

7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8 Dated: 11/15/05

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10 HONORABLE ELIZABETH D. LAPORTE
11 UNITED STATES DISTRICT COURT JUDGE
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STIPULATION TO EXTEND TIME FOR ENCORE TO RESPOND TO THIRD
AMENDED COMPLAINT